

	PERSONNEL POLICIES AND PROCEDURES		SUBJECT: WORKERS' COMPENSATION
	NUMBER: RSK 2-0	REVISIONS: 1	EFFECTIVE DATE: October 20, 2014
	SUPERCEDES: May 21, 2012	APPROVED AND ADOPTED BY MAYOR AND COUNCIL: A. Max Bacon, Mayor Date Eric Taylor, City Administrator	

PURPOSE: To establish clear guidelines regarding the City's *Workers' Compensation* program and to ensure compliance with all applicable workers' compensation laws of the State of Georgia.

STATEMENT OF POLICY

It is the policy of the City of Smyrna to fully comply with all applicable laws, rules, and regulations of the Georgia State Board of Workers' Compensation. In accordance with Georgia law and City of Smyrna policy, all City of Smyrna employees are covered by workers' compensation insurance **if an injury arises out of and in the course of employment** EXCEPT under the guidelines set forth by the Georgia State Board of Workers' Compensation, certain specific circumstances as described below:

Workers' Compensation benefits are not automatic; incidents must be properly reported by the employee as detailed in this policy and approved for payment by the insurer prior to the employee's receiving any benefit.

Not Covered – The following are not covered by the City's Workers' Compensation program:

1. **Willful acts of the employee.** There is no compensation for injuries caused by an employee's willful misconduct, including intentional self-injury and injury sustained during an attack on another person.
2. **Failure to follow safety rules.** There may be no compensation for injuries caused by the employee's willful breach of a safety rule. This includes the employee's disregarding of his or her responsibility to use protective equipment as required by the City.
3. **Intoxication.** There is no compensation for injuries caused by the employee's intoxication or being under the influence of controlled substances as defined by Georgia law.
4. **Recreational activities.** There is no compensation for injuries incurred during voluntary participation in recreational activities unless participation is required by the City or the activity is part of a recreational period that is a regular incidence of employment. Participation may be considered "required" if the City derives a substantial, direct benefit from the activity beyond the boost in morale that is common to all forms of recreation.
5. **Heart disease.** There is no compensation for injury caused by heart disease unless it can be demonstrated that the disease is attributable to the usual work environment.
6. **Drug addiction.** There is no compensation for alcoholism or addiction to drugs and/or other controlled substances.

Procedures

Record Only - Every incident must be reported, even if no medical treatment is needed. Minor injuries that can be treated solely with first aid on the job site should be identified as *Record Only*.

Medical – If the injury requires medical treatment (other than first aid), the employee should be escorted by another employee designated by management to an outside facility. The facility should be informed that the employee sustained a work-related injury and be given the City name and address.

Every employee has the right to select a physician from a list compiled by the city which includes at

least six physicians or professional associations that are readily accessible to employees. Employees will receive a copy of the physician's panel during new hire orientation and immediately following revisions. This list will be maintained in the Human Resources Department.

Except in extreme emergency situations, choosing to see a physician who is NOT on the City's list will jeopardize the receipt of Workers' Compensation benefits by the employee.

Emergency Situations - If the nature of the injury is so serious that the closest, most appropriate emergency medical treatment must be immediately obtained, or if the injury is sustained away from the City of Smyrna or surrounding vicinity in the course of employment, the employee may be sent to the nearest emergency medical facility for treatment.

Special Note: Benefits may be denied an employee whose death or disability results directly from a refusal to undergo treatment.

Testing - Any employee involved in accidents occurring during the performance of City business or on City property that result in injuries requiring medical treatment to themselves or others or damage to property shall be subject to undergoing a drug and/or alcohol test at the City's expense. Refusal to consent to a test when required will result in disciplinary action, up to and including termination. Failure to successfully pass such testing will also be grounds for disciplinary action, up to and including termination.

Responsibilities

Employee - An employee MUST notify his or her supervisor or department head **immediately** or as soon after a work-related injury as possible (by the end of the work shift). In cases where the employee is incapacitated, the appropriate supervisor must notify the department head or his or her designee as soon as feasible (by the end of the work shift, if possible).

Claims which are not properly reported within the above time limits may be denied.

Department Head/Supervisor - Upon notification by an employee of a work-related injury, the supervisor and/or the department head should notify the Human Resources Director or his/her designee immediately, if possible, or within 24 hours. (Note: If an accident or incident takes place during the weekend or on a City holiday, a report must be filed by 12:00 noon the following Monday or 12:00 noon the next regular City workday, respectively.)

Special Note: When a hospitalization or fatality is involved, the department head should notify the City Administrator, Human Resource Director & Risk Management or HR Manager immediately.

The Departmental head, or his or her designee, should thoroughly and without delay investigate any work-related accident or incident which caused an employee's injury. He or she should then immediately:

1. Complete a Workers' Compensation *First Report of Injury Form WC-1*;
2. Email or fax the above report to the City's Human Resources Technician, who will forward the report to the City's third-party administrator.

On approved claims, workers' compensation will pay the costs of such reasonable treatment when the employee follows all required procedures.

Wage Replacement Benefits - To compensate for wages lost during a period of disability due to a work-related injury, the City's Workers' Compensation insurer will provide cash payments, calculated as 66 2/3 of the employee's weekly wages, up to the maximum prevailing rate in compliance with Georgia Workers' Compensation law. These payments will be mailed directly to the employee by the Workers' Compensation insurer.

These wage replacement benefits are NOT available **for the first seven days** of disability unless the disability continues for 21 **consecutive** days or longer, in which case compensation will be retroactive to the first day. (An employee MAY choose to use accrued annual or sick leave during the seven day period.)

Classification of Disabilities - Wage replacement benefits will be classified according to whether the disability is TOTAL or PARTIAL:

1. **Total Disability** (temporary or permanent) - A City employee who is unable to work at any job due to an injury sustained in the course of employment will be classified as totally disabled.
2. **Partial Disability** (temporary or permanent) - A partial disability is one that is not serious enough to keep the injured employee from all work but that, nevertheless, interferes with the employee's ability to perform his or her regular job and earn regular pay.

In the case of catastrophic injury, the employee's rehabilitation needs will be evaluated and appropriate rehabilitation arranged as consistent with Georgia law. If an employee refuses rehabilitation, benefits may be suspended during the period of refusal.

Death Benefits - The survivors of an employee who dies of a workplace injury will receive benefits as consistent with Georgia law.

For Report Purposes Only - If an accident or incident occurs with no apparently significant injury (and no actual claim for medical treatment is being filed by the employee), the claim should be marked "FOR REPORT PURPOSES ONLY" and sent to the Human Resources Department so that they have a report on file for future reference.

Compensation as detailed in this policy is payable automatically unless the City or its insurer disputes the validity of the employee's claim. In such cases, the employee has the right to appeal following the procedures designated by the insurer.

If not resolved during the above appeal, the State Workers' Compensation rules and regulations provide for an administrative law judge to hear contested claims as soon as possible after notice has been given to the State Board.

If the employee is still not satisfied with the ruling, there is also a right of further appeal to the full Board of Workers' Compensation.

Employee Responsibility

It is the employee's responsibility to obtain excused absence slips from the treating physician(s) whenever work is missed due to a work-related injury and to provide them to the Human Resources Department on a timely basis so that Workers' Compensation insurance payments may be promptly processed. Each excuse should include an estimated time during which the employee is expected to be absent due to the work-related injury.

If excuses for absences due to work-related injuries are not received (except for hospital admissions due to emergencies), then the City's absenteeism policy will be enforced.

Return to Work - It is the employee's responsibility to obtain written authorization from the treating physician before being permitted to return to work, whether for light/modified duties or full duty without restrictions, following treatment due to a work-related injury. This authorization must be provided to the Human Resource Department before the employee returns to work.

Light/Modified Duty - Occasionally, an employee who has suffered a work-related injury is temporarily partially disabled but is able to perform other productive duties in his department or elsewhere in the City.

If "light duty" is authorized, the employee must comply with procedures outlined in *Personnel Policy RSK 5-0 Light/Modified/Restricted Duty* prior to returning to work.

Impact on Performance Appraisal - An employee currently on Workers' Compensation (or who has missed 12 or more weeks from work during the performance appraisal period due to Workers' Compensation or other "out-of-payroll-status" reasons) will not be eligible for a performance appraisal and subsequent merit increase on July 1. Upon return to work, the employee's performance appraisal period will be extended the same length of time as the absence. Merit increases will not be paid

retroactive.

Leave Accrual - An employee absent from work due to Workers' Compensation will not be permitted to accrue annual or sick leave, unless such absence is covered under the *Family and Medical Leave Act*. No accruals will be permitted upon exhaustion of FMLA, unless authorized by the City Administrator.

Medical Benefits - The city will continue all health care benefits for the duration of leave, provided the employee pays the employee's portion of the health care benefit premiums. Any employee on leave will be required to continue to pay health care benefit premiums during the time the employee is on leave, by submitting to the city at the beginning of each month an amount equal to the monthly premiums that would have been deducted from the employee's pay were the employee not on leave. The city may cancel all health care benefits if the employee's premium payment is more than thirty days late, and if the city has provided fifteen days written notice to the employee prior to cancellation. The city will continue health benefits during these thirty days.